

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Fossitt Business Park PCD (Planned Commercial Development District)  
Final Site Plan and Developer's Commitment Agreement, Jamie Russell, applicant

**DEPARTMENT:** Planning and Development **DIVISION:** Planning

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Tony Matthews **EXT.** 7936

**Agenda Date** 11/15/05 **Regular** ☒ **Consent** ☐ **Work Session** ☐ **Briefing** ☐  
**Public Hearing – 1:30** ☐ **Public Hearing – 7:00** ☐

**MOTION/RECOMMENDATION:**

1. Approve the Fossitt Business Park PCD Final Site Plan and Developer's Commitment Agreement, 10 +/- acres; located at the northeast junction of Orange Boulevard and Missouri Avenue, with staff findings and Developer's Commitment Agreement (Jamie Russell, applicant); or
2. Deny the Fossitt Business Park PCD Final Site Plan and Developer's Commitment Agreement, 10 +/- acres; located at the northeast junction of Orange Boulevard and Missouri Avenue (Jamie Russell, applicant); or
3. Continue this item to a date and time certain.

(District 5 – Commissioner Carey)

(Tony Matthews, Principal Planner)




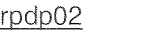


**BACKGROUND:**

The applicant is requesting approval of the Fossitt Business Park PCD Final Site Plan and Developer's Commitment Agreement, consisting of 108,800 square feet of warehouse space and 27,200 square feet of office space for a total of 136,000 square feet. The Board approved the applicant's request for PCD rezoning, preliminary development order and site plan on August 10, 2004.

In addition, the applicant is requesting an amendment to Condition C(6) of the executed development order to allow the agreed upon \$4,775 contribution to the sidewalk fund to be paid prior to the issuance of the first building permit. Currently, the condition requires the applicant to contribute the money prior to final site plan approval.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Fossitt Business Park PCD Final Site Plan, and amendment to Condition C(6) of the executed development order, subject to the conditions of the attached Developer's Commitment Agreement.

Reviewed by	
Co Atty:	
DFS:	
Other:	
DCM:	
CM:	
File No.	<u>rpdp02</u>

Attachments:

- Developer's Commitment Agreement including PCD Final Site Plan, building elevations (photographs) and wall concept along Missouri Avenue
- PCD Development Order
- Vicinity Map
- Future Land Use and Zoning Map
- Aerial Photo

**Fossitt Business Park  
Planned Commercial Development  
Developer's Commitment Agreement  
Commitments, Classifications and District Description**

On November 15, 2005, the Board of County Commissioners of Seminole County issued this Agreement relating to, concerning and binding the following described real property situated in Seminole County, Florida:

**I. Legal Description**

Legal description is attached as Exhibit "A".

**II. Property Owner(s)**

Jamela Russell and Nikki Clayton, 35048 Shady Oaks Lane, Fruitland Park, FL 32731 (hereinafter referred to as the "Owner").

**III. Statement of Basic Facts**

- |                                      |  |
|--------------------------------------|--|
| A. Total Acres                       | 10 +/- (including 1.7 +/- retention pond zoned A-1)  |
| B. Zoning                            | PCD (Planned Commercial Development)                 |
| C. Site Plan                         | PCD Final Site Plan attached as Exhibit "B"          |
| D. Building Elevations (photographs) | Building Elevations attached as Exhibit "C"          |
| E. Wall                              | Wall, along Missouri Avenue, attached as Exhibit "D" |

**IV. Open Space Calculations**

- |                        |                    |
|------------------------|--------------------|
| A. Total Land Area     | 10 +/- acres       |
| B. Open Space Required | 25% (2.5 acres)    |
| C. Open Space Provided | 28.4% (2.84 acres) |

**V. Land Use Breakdown**

	<u>Land Use</u>	<u>Square Feet</u>	<u>Percent of Site</u>
A.	Total Site	436,427	100%
C.	Total Impervious	312,593	71.62%
B.	Total Pervious	123,834	28.37%

## **VI. Building and Lot Restrictions**

<b><u>Building/Lot</u></b>	<b><u>Commitment</u></b>
Warehouses	108,800 square feet (maximum of one story)
Office	27,200 square feet
Total building	136,000 square feet
Maximum building height	25 feet at peak roof height
North side setback	30 feet
South side setback	50 feet
East side setback	10 feet
West side setback	100 Feet (the development order allows for less than 100 feet as a minor modification).
Parking spaces	310 (including handicapped spaces)
Handicapped spaces	8
Maximum allowance for floor space	No more than 20% of the total building can be used as office space. No unit in warehouse space will be used as primary office space.
Floor Area Ratio	Maximum 0.65 FAR

## **VII. Permitted and Prohibited Uses**

- A. Permitted uses within the PCD shall include the list of permitted and conditional uses within the M-1A (Very Light Industrial) and C-3 (General Commercial and Wholesale) zoning classifications, except for the following uses, which shall be prohibited:
1. Communication towers (unless by special exception)
  2. Amusement and recreation facilities
  3. Automobile sales
  4. Bakeries, where goods are sold on premises at retail.
  5. Banks
  6. Car wash
  7. Hotels and motels
  8. Launderettes and Laundromats
  9. Mobile homes and recreational vehicle sales
  10. Paint and body shops
  11. Private clubs and lodges
  12. Theaters
  13. Truck Terminals
  14. Service stations
  15. Outdoor advertising signs
  16. Manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints



17. Industrial, technical and trade schools, except for classroom training directly associated with existing businesses located within the PCD development site such as real estate
18. Alcoholic beverage establishments
19. Adult entertainment and sexually oriented businesses
20. Multi-family housing
21. Public and private utility plants, stations, and distribution office
22. Contractor's equipment storage yards
23. Public and private schools
24. Commercial mechanical repair garages or storage of vehicles for commercial repair, except that standard vehicle maintenance may be performed on vehicles associated with an existing business within the PCD development site
25. Heliports
26. Manufacturing of the following:
  - a. Boats
  - b. Chemical products and processing
  - c. Dairy products

B. Permitted and conditional uses within the C-2 (Retail Commercial District) shall be prohibited uses.

#### **VIII. Vehicle and Pedestrian Circulation System**

##### **A. Roads:**

1. A left turn lane and right turn lane on Orange Boulevard is required.
2. Roads and paving shall be installed in accordance with the Land Development Code of Seminole County.
3. Applicant shall dedicate a 50-foot half right-of-way on Orange Boulevard for the required off- site improvements.

##### **B. Sidewalks:**

1. Sidewalks shall be installed in accordance with the Land Development Code of Seminole County.
2. The applicant shall install a five (5)-foot wide sidewalk along the property frontage of Orange Boulevard.
3. Developer shall contribute \$4,775 to the side sidewalk fund prior to issuance of the first building permit.

#### **IX. Landscaping and Buffer Criteria**

- A. Landscaping and buffers shall be installed in accordance with Land Development Code of Seminole County.
- B. Canopy trees shall be installed along the north property line and along the wall on Missouri Avenue
- C. The buffer adjacent the north, south and east sides of the development shall comply with the provisions of the Land Development Code. The buffer and

wall along Missouri Avenue shall comply with attached Exhibit "D" up to the north property line. The wall shall curve in as it approaches the north property line, to allow adequate site distance for safe ingress and egress to the property to the north. The location of the curve shall be determined at the time of Final Site Plan approval. All along the north property line to the east property line the following landscaping shall be installed: eight (8) canopy trees a minimum of two and one-half (2.5) inches in diameter, with an overall average of three (3) inches in diameter above the ground for every one hundred (100) linear feet of buffer. The landscaping details are subject to approval by the Planning Manager. The setback for the wall and landscaping may be increased pursuant to review of the Seminole County Traffic Engineer to ensure safe and adequate vehicular and pedestrian sight distance at the intersection of Orange Boulevard and Missouri Avenue. In the event that the developer is able to get a permit from the St. Johns Water Management District to decrease the size of the retention pond, either by reducing the amount of impervious surface or acquiring drainage easements for legal outfall to the St. Johns River, which would change and reduce the storm event for which the pond must be designed; and the developer does not demolish the historic single-family house located at 1555 Missouri Avenue, the existing house, trees and fence shall serve to buffer the retention pond from Missouri Avenue. The parcel containing the house shall not be sold, platted, or split unless the parcel meets the requirement for the minimum lot area and setbacks required for a single-family house in the A-1 (Agriculture) zoning district. The landscaping detailed above for the north property line shall be installed along the northern property line of the retention pond behind the house.

**X. Facility Commitments**

The following conditions shall be met by the Owner prior to a Certificate of Occupancy being issued by Seminole County:

- A. Water: Water services shall be provided by the existing Seminole County Environmental Services water system. Design of lines shall conform to all Seminole County and Florida Department of Environmental Protection standards.
- B. Sanitary Sewer: Sanitary sewer shall be provided by the existing Seminole County Environmental Services treatment facilities. Design of lines shall conform to all Seminole County and Department of Environmental Protection standards.
- C. Stormwater: Stormwater drainage and stormwater management shall be provided according to Seminole County's and the St. Johns River Water Management District's stormwater regulations.

- D. Fire Protection: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 psi. Fire hydrant shall be located according to Seminole County Regulations.

**XI. Lighting and Signage**

Lighting shall be cut-off/shoe box style with light poles not to exceed 16 feet in height, be setback a minimum of 50 feet from adjacent properties and shall not spillover onto adjacent properties in excess of 0.5 foot candles.

**XII. Development Conditions**

- A. No overhead or roll-up door shall be allowed on the façade of the building facing Missouri Avenue. The facade of the building shall have an office/retail appearance with an elevated sidewalk. Architectural elevations shall be provided to the Board of County Commissioners and are subject to the Board's approval.
- B. No semi-trailer trucks shall be allowed to load or unload on the internal street between Missouri Avenue and the westernmost building.
- C. Parking spaces shall include a minimum of one (1) space per 1,000 square feet of building for warehouse uses, plus one (1) space for each two (2) employees on the largest shift, and one (1) space per 200 square feet of gross floor area for office use. Parking ratio for office and warehouse uses shall be established for the proposed use(s).
- D. Building setbacks shall comply with the Preliminary PCD Site Plan with allowance for minor modifications.
- E. Dock high loading shall not be permitted.
- F. A cross access easement shall be provided to the property to the east as shown on the PCD Final Site Plan, and easement recorded prior to issuance of certificate of occupancy.
- G. Hours of operation for truck deliveries shall be limited to between 7:00 a.m. and 9:00 p.m.
- H. Air conditioning units or chillers shall be hidden from view from Missouri Avenue. Screening methods shall be shown on the PCD Final Site Plan.
- I. Developer shall preserve the trees along Orange Boulevard to the maximum extent possible, as determined by the Planning Manager.

**XIII. Standard Commitments**

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all codes and ordinances, including the impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. The conditions upon which this Developer's Commitment Agreement, and related commitments, are made; are accepted by and agreed to by the Owner of the Property.

- C. This Agreement touches and concerns the Property, and the conditions, commitments and provisions of this Agreement shall perpetually burden, run with and follow said Property and be a servitude upon and binding upon said Property unless released in whole or in part by action of Seminole County as evidenced in writing. The Owner of said Property is expressly covenanted and agreed to this provision and all other terms and provisions of the Agreement.
- D. The terms and provisions of this Agreement are not severable, and in the event any portion of this Agreement shall be found to be invalid or illegal, then the entire Agreement shall be null and void.
- E. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance with all applicable land development regulations and all other applicable regulations and ordinances.
- F. The Owners of the Property have expressly agreed to be bound by and subject to the development conditions and commitments set forth herein and hereby covenant and agree to have such conditions and commitments restrict, run with and perpetually burden the Property.
- G. If any conflict between any term or provision of this developer's commitment agreement and the final master plan is found to exist, the term or provision of the developer's commitment agreement shall control and the conflicting term or provision of the final master plan shall be null and void.

**DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE**

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
CARLTON D. HENLEY, Chairman

Date: \_\_\_\_\_

**OWNERS' CONSENT AND COVENANT**

**COMES NOW**, the Owners, Jamela Russell and Nikki Clayton, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Agreement.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Jamela Russell

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Nikki Clayton

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

STATE OF FLORIDA        )

COUNTY OF    )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, \_\_\_\_\_ personally appeared \_\_\_\_\_ who is personally known to me or who has produced as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Notary Public, in and for the  
County and State  
Aforementioned

My Commission Expires:

**EXHIBIT "A"**  
**Legal Description of Fossitt Business Park**

Lot 4, Block 3, Sanford Farms, according to the plat thereof as recorded in plat book 1, pages 127, 128 and 128 ½, Public Records of Seminole County, Florida.

And

The South 173.86 feet of lot 5, together with the South 140.52 feet of lot 6, block 3, Sanford Farms, as recorded in plat book 1, pages 127, 128 and 128 ½, Public Records of Seminole County, Florida.

And

Lot 3, Block 3, Sanford Farms, according to the plat thereof as recorded in plat book 1, pages 127, 128 and 128 ½, Public Records of Seminole County, Florida.

Less and except the following:

Begin at the southeast corner of said Lot 3, then run N12 05'47"E, along the East line of said lot 3, a distance of 250.00 feet; thence run N77 54'13"W, 120.00 feet; thence run S11 35'25"W, 278.31 feet to the point lying on the north right-of-way line of Orange Boulevard, thence run N88 33'41"E., 120.90 feet to the point of beginning.

The above legal description provided by Owners. Includes the 1.7 +/- retention pond zoned A-1.

**EXHIBIT "B"**  
**PCD Final Site Plan for Fossitt Business Park**  
**Site plan as back of agenda for ease of reproduction**



**EXHIBIT "C"**  
**Building Elevations (Photographs)**







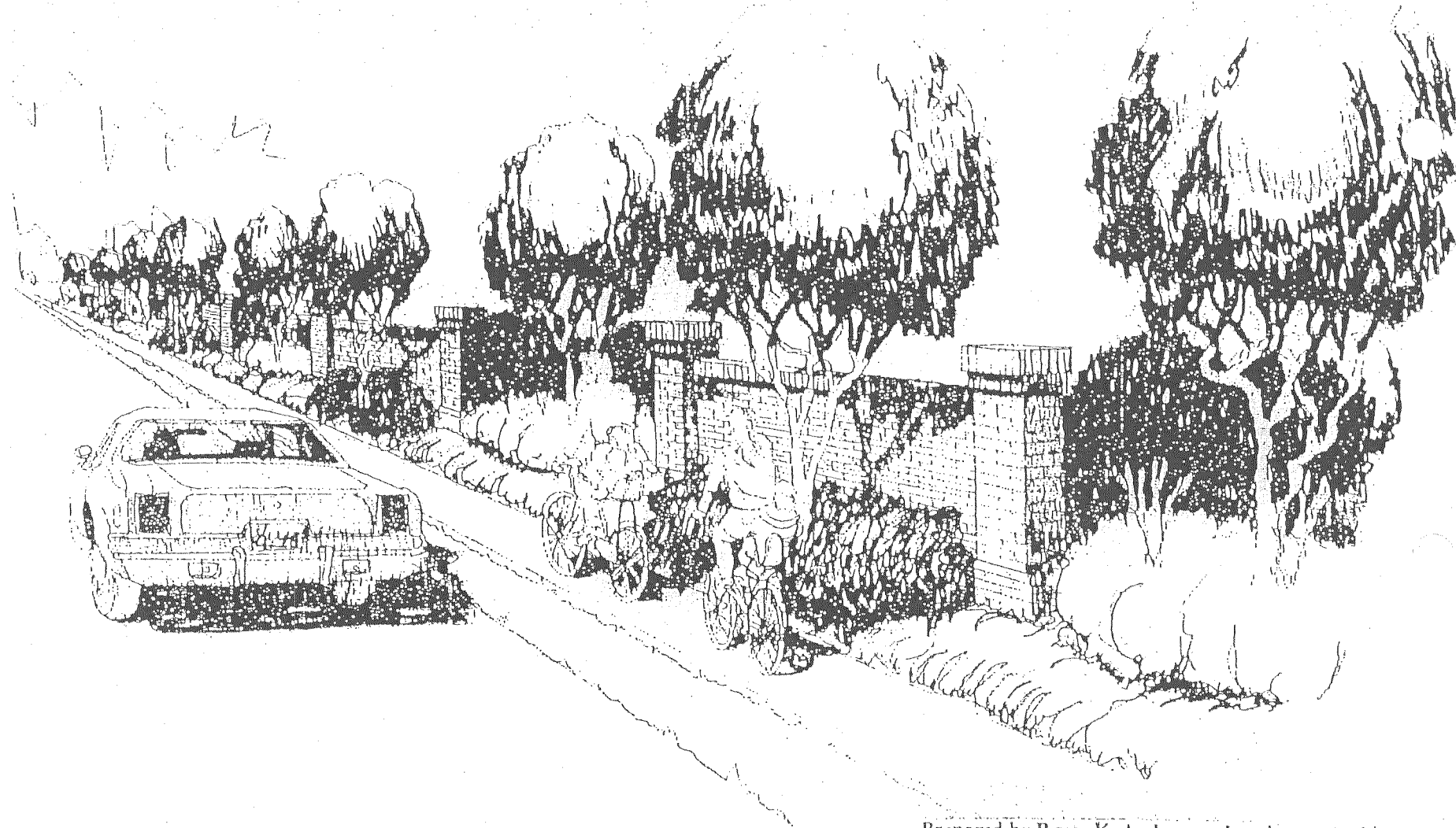




**EXHIBIT “D”**  
**Wall along Missouri Avenue**

Attached design is from Development Order #04-22000004

EXHIBIT B: MISSOURI BUFFER CONCEPT

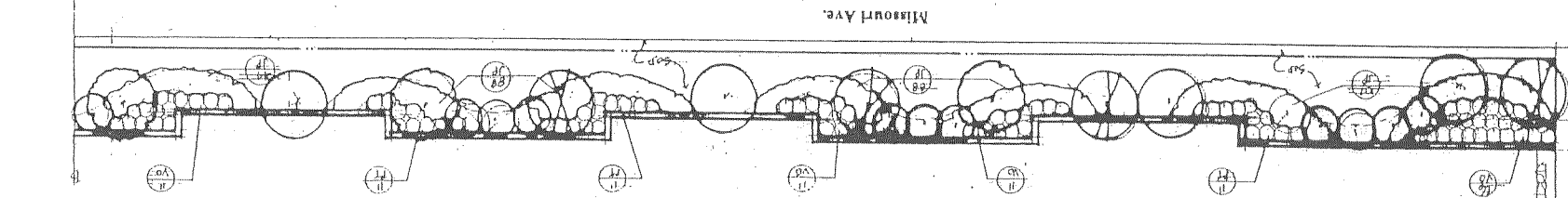
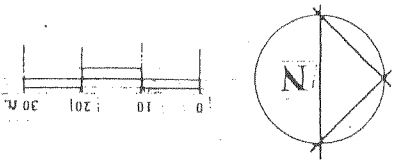


Prepared by Bruce K. Andersen, Landscape Architect,  
State of Florida Cert. No. 821 Tel. (407) 320-9980

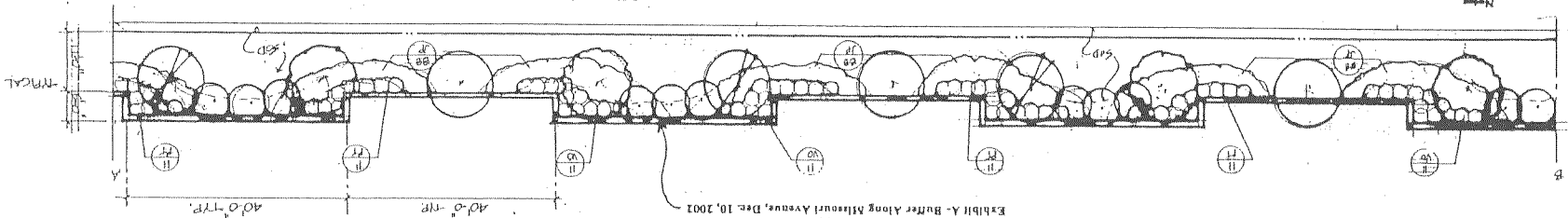
Fossil Business Park, Seminole County, Fl.

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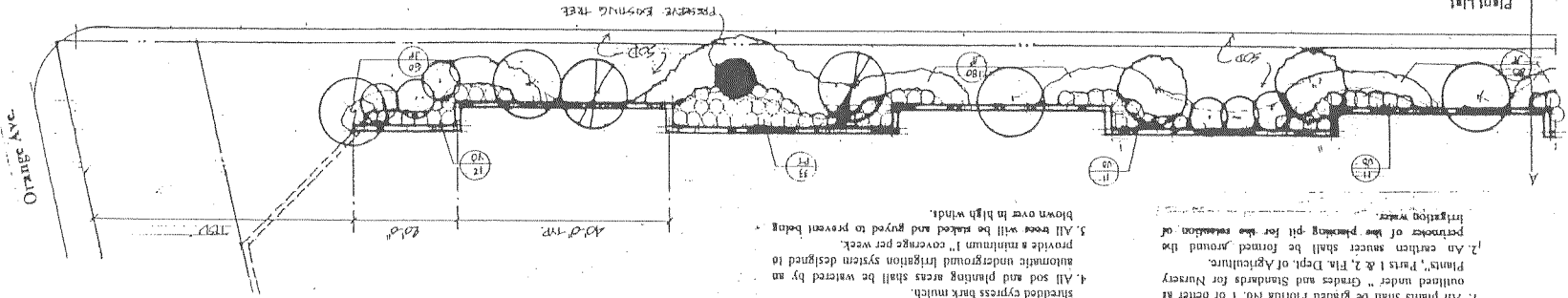
NAME	DATE
AGE	
SEX	
HEIGHT	
WEIGHT	
HAIR	
TEETH	
SKIN	
NOSE	



6' high brick wall, same appearance as shown in Exhibit A - Butter Along Missouri Avenue, Dec. 10, 1902



3. All planting beds shall be covered with a 2" layer of shredded cypress bark mulch.
4. All sod and planting areas shall be watered by an automatic underground irrigation system designed to provide a minimum 1" coverage per week.
5. All trees will be staked and guyed to prevent being blown over in high winds.



Symbol	Quantity	Latin Name	Common Name	Specifications
JF	914	<i>Purpurea perfoliata</i>	Liver Oak	14-15" hl., 6-10" apd., 3 DBH
VO	128	<i>Viburnum coccineum</i>	Laural Oak	14-15" hl., 6-10" apd.
PT	110	<i>Ficus sp.</i>	Red Maple	14-15" hl., 6-10" apd.
28		<i>Lagerflora indica</i>	Sit Apple	14-15" hl., 6-10" apd.
		<i>Carya hirsuta</i>	Walnut	14-15" hl., 6-10" apd.
		<i>Malus baccata</i>	Crabapple	14-15" hl., 6-10" apd.
		<i>Acer rubrum</i>	Red Maple	14-15" hl., 6-10" apd.
		<i>Quercus virginiana</i>	Live Oak	14-15" hl., 6-10" apd.
		<i>Staphylea trifolia</i>	White Dogwood	14-15" hl., 6-10" apd.
		<i>Asimina speciosa</i>	Baldpate	14-15" hl., 6-10" apd.

Prepared by Bruce K. Andersen, Landscape Architect, Fla. Cert. No. 821, 407-320-9980  
January 10, 2004

Missouri Ave.

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On August 10, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A  
(The aforescribed legal description has been provided to  
Seminole County by the owner of the aforescribed property)

which shall amend and supersede the prior Development Orders relating to the subject property issued on February 11, 2003 and January 27, 2004.

**FINDINGS OF FACT**

Property Owners:	Jamela Russell	Nikki M. Clayton
	35048 Shady Oak Lane	35048 Shady Oak Lane
	Fruitland Park, FL 34731	Fruitland Park, FL 34731

Project Name: Fossitt Business Park

Requested Development Approval: Rezoning from A-1 (Agriculture District) and PCD (Planned Commercial Development) to PCD (Planned Commercial Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tina Deater, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT  
CLERK OF SEMINOLE COUNTY  
BK 05628 PGS 0335-0345  
FILE NUM 2005032809  
RECORDED 02/25/2005 10:27:29 AM  
RECORDING FEES 95.00  
RECORDED BY G Harford

RETURN TO SANDY McCANN





NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

A. Permitted uses within the PCD shall include the list of permitted and conditional uses within the M-1A (Very Light Industrial) and C-3 (General Commercial and Wholesale) zoning classifications, except for the following uses, which shall be prohibited:

1. Amusement and recreation facilities.
2. Automobile sales.
3. Bakeries, where goods are sold on premises at retail.
4. Banks.
5. Car wash.
6. Hotels and motels.
7. Launderettes and Laundromats.
8. Mobile homes and recreational vehicle sales.
9. Paint and body shops.
10. Private clubs and lodges.
11. Theaters.
12. Truck Terminals.
13. Service stations.
14. Outdoor advertising signs.
15. Manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints.
16. Industrial, technical and trade schools, except for classroom training directly associated with existing businesses located within the PCD development site such as real estate.
17. Alcoholic beverage establishments.
18. Adult entertainment and sexually oriented businesses.
19. Multi-family housing.
20. Public and private utility plants, stations, and distribution office.
21. Contractor's equipment storage yards.
22. Public and private schools.
23. Commercial mechanical repair garages or storage of vehicles for commercial repair, except that standard vehicle maintenance may be performed on vehicles associated with an existing business within the PCD development site.

24. Heliports.

25. Manufacturing of the following:

Boats.

Chemical products and processing.

Dairy products.

B. Permitted and conditional uses within the C-2 (Retail Commercial District) shall be prohibited uses.

C. Development conditions:

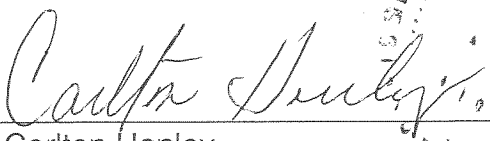
1. No overhead or roll-up door shall be allowed on the façade of the building facing Missouri Avenue. The facade of the building shall have an office/retail appearance with an elevated sidewalk. Architectural elevations shall be provided to the Board of County Commissioners at the time of Final Site Plan approval and are subject to the Board's approval.
2. No semi-trailer trucks shall be allowed to load or unload on the internal street between Missouri Avenue and the westernmost building.
3. Parking spaces shall include a minimum of one (1) space per 1,000 square feet of building for warehouse uses, plus one (1) space for each two (2) employees on the largest shift, and one (1) space per 200 square feet of gross floor area for office use. Parking ratio for office and warehouse uses shall be established for the proposed use(s) at time of final PCD site plan approval.
4. Building setbacks shall comply with the preliminary PCD site plan with allowance for minor modifications at time of final PCD site plan.
5. The buffer adjacent the north, south and east sides of the development shall comply with the provisions of the Land Development Code. The buffer and wall along Missouri Avenue shall comply with attached Exhibit "B" up to the north property line. The wall shall curve in as it approaches the north property line, to allow adequate site distance for safe ingress and egress to the property to the north. The location of the curve shall be determined at the time of Final Site Plan approval. All along the north property line to the east property line the following landscaping shall be installed: eight (8) canopy trees a minimum of two and one-half (2.5) inches in diameter, with an overall average of three (3) inches in diameter above the ground for every one hundred (100) linear feet of buffer. The landscaping details shall be provided at the time of Final Site Plan review and are subject to approval by the Planning Manager. The setback for the wall and landscaping may be increased pursuant to review of the Seminole County Traffic Engineer to ensure safe and adequate vehicular and pedestrian sight distance at the intersection of Orange Boulevard and Missouri Avenue. In the event that the developer is able to get a permit from the St. Johns Water Management District to decrease the size of the retention pond, either by reducing the amount of impervious surface or acquiring drainage easements for legal outfall to the St. Johns River, which would change and reduce the storm event for which the pond must be designed; and the developer does not demolish the historic single-family house located at 1555 Missouri Avenue, the existing house, trees and fence shall serve to buffer the retention pond from Missouri Avenue. The parcel containing the house shall not be sold, platted, or split unless the parcel meets the requirement for the

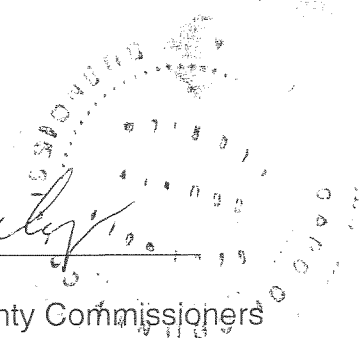
- minimum lot area and setbacks required for a single-family house in the A-1 (Agriculture) zoning district. The landscaping detailed above for the north property line shall still have to be installed along the northern property line of the retention pond behind the house.
6. Prior to approval of the final PCD site plan, Developer to contribute \$4,775 to the Seminole County Transportation Trust Fund for use by Seminole County in fulfilling sidewalk needs.
  7. Building height shall not exceed 25 feet at peak roof height.
  8. Floor area ratio shall not exceed 0.65 FAR.
  9. A minimum of 25 percent open space shall be provided on site.
  10. Dock high loading shall not be permitted.
  11. A cross access easement shall be provided to the property to the east of the site and location determined at time of final PCD site plan and easement recorded prior to issuance of certificate of occupancy.
  12. Lighting shall be cut-off/shoe box style with light poles not to exceed 16 feet in height, be setback a minimum of 50 feet from adjacent properties and shall not spillover onto adjacent properties in excess of 0.5 foot candles.
  13. Water and sewer shall be provided by Seminole County utilities.
  14. Hours of operation for truck deliveries shall be limited to between 7:00 a.m. and 9:00 p.m.
  15. Air conditioning units or chillers shall be hidden from view from Missouri Avenue. Screening methods shall be determined at time of final PCD site plan approval.
  16. Developer to submit building elevations, proposed wall and landscape plan at time of final PCD site plan and shall also provide a copy of the final PCD site plan to Mr. Bruce Andersen and Ms. Kathy Brown, of the St Johns River Estates subdivision.
  17. Developer to notify Bruce Andersen, Kathy Brown, and those who spoke at the County Commission public hearing on January 27, 2004, regarding the date the final PCD plan is presented to the Board of County Commissioners for approval.
  18. Preserve the trees along Orange Boulevard to the maximum extent possible, as determined by the Planning Manager.
  19. Development must meet all other applicable provisions of the Seminole County Comprehensive Plan (Vision 2020) and Land Development Code of Seminole County.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By:   
Carlton Henley  
Chairman, Board of County Commissioners



## OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Jamela Russell, on behalf of herself and her heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Willie L. Fossitt  
 Witness

WILLIE L. FOSSITT  
 Print Name

Sarah Fields  
 Witness

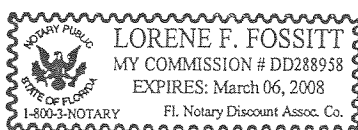
Sarah Fields  
 Print Name

Jamela Russell  
 Jamela Russell

STATE OF FLORIDA     )  
                                       )  
 COUNTY OF SEMINOLE    )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Jamela Russell, who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this  
25TH day of JANUARY, 2004.



Lorene F. Fossitt  
 Notary Public, in and for the County and State  
 Aforementioned

My Commission Expires:

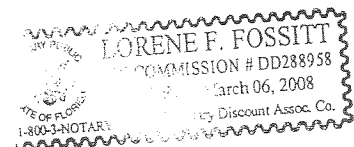


EXHIBIT A

BEGIN AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 3, SANFORD FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 127, 128 AND 128 ½, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N.00° 02'46" W., ALONG THE WEST LINE OF LOTS 4 AND 5 OF SAID BLOCK 4 AND THE EAST RIGHT OF LINE OF MISSOURI AVENUE A DISTANCE OF 874.34 FEET; THENCE N.89° 44' 50"E., A DISTANCE OF 557.56 FEET TO THE EAST LINE OF LOT 6 OF SAID BLOCK 3; THENCE S.00° 00' 54" E., ALONG THE EAST LINE OF LOTS 3 AND 6 OF SAID BLOCK 3 A DISTANCE OF 494.75 FEET; THENCE S.89° 59'06" W., A DISTANCE OF 120.00 FEET; THENCE S.00° 30'00"E., A DISTANCE OF 277.86 FEET TO THE SOUTH LINE OF LOT 3 OF SAID BLOCK 3 AND THE NORTH RIGHT OF WAY LINE OF ORANGE BOULEVARD; THENCE S.76° 39'54" W., ALONG THE SOUTH LINE OF LOTS 3 AND 4 OF SAID BLOCK 3 AND SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 451.59 FEET TO THE POINT OF BEGINNING

PARCEL CONTAINS 419817 SQUARE FEET OR 9.64 ACRES, MORE OR LESS.

## OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Nikki Clayton, on behalf of herself and her heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

  
 \_\_\_\_\_  
 Witness

WILLIE L. FOSSITT  
 \_\_\_\_\_  
 Print Name

  
 \_\_\_\_\_  
 Witness

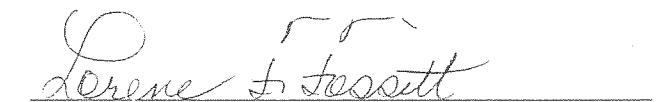
Sarah Fields  
 \_\_\_\_\_  
 Print Name

  
 \_\_\_\_\_  
 Nikki Clayton

STATE OF FLORIDA     )  
                                   )  
 COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Nikki Clayton, who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this  
25TH day of JANUARY, 2004.

  
 \_\_\_\_\_  
 Notary Public, in and for the County and State  
 Aforementioned

My Commission Expires:

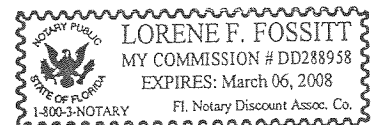
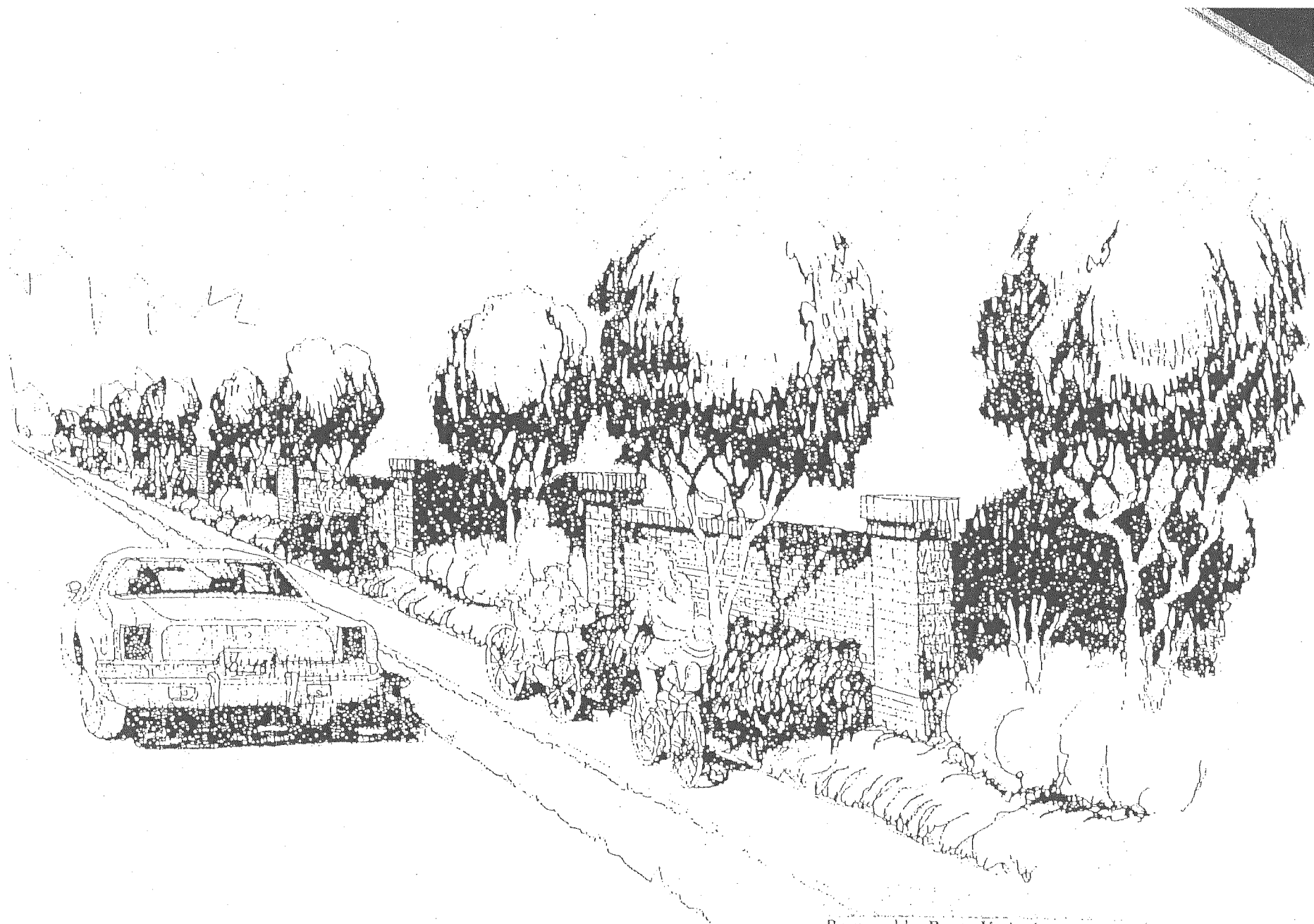


EXHIBIT B: MISSOURI BUFFER CONCEPT



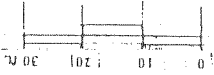
Prepared by Bruce K. Andersen, Landscape Architect,  
State of Florida Cert. No. 821 Tel. (407) 320-9980



Fossil Business Park, Seminole County, Fl.

10,2004

8 pages



6' high brick wall, same appearance as shown in Exhibit A - Buffer Along Missouri Avenue, Dec. 10, 2001

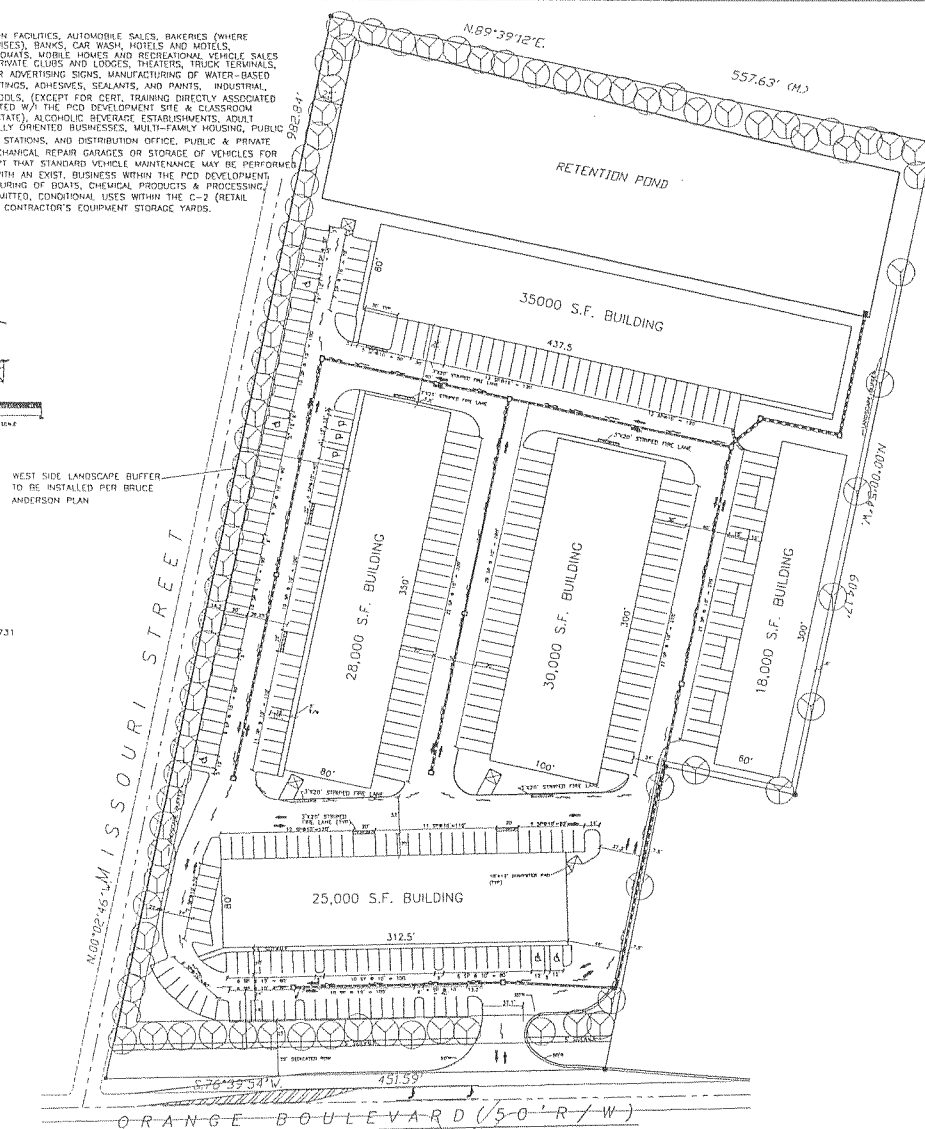
**PROHIBITED USES:** AMUSEMENT AND RECREATION FACILITIES, AUTOMOBILE SALES, BAKERIES (WHERE GOODS ARE SOLD ON PREMISES), BANKS, CAR WASH, HOTELS AND MOTELS, LAUNDRETTES AND LAUNDROMATS, MOBILE HOMES AND RECREATIONAL VEHICLE SALES, PAINT AND BODY SHOPS, PRIVATE CLUBS AND LOUNGES, THEATERS, TRUCK TERMINALS, SERVICE STATIONS, OUTDOOR ADVERTISING SIGNS, MANUFACTURING OF WATER-BASED AND/OR EPOXY-BASED COATINGS, ADHESIVES, SEALANTS, AND PAINTS, INDUSTRIAL, TECHNICAL AND TRADE SCHOOLS, (EXCEPT FOR CERT. TRAINING DIRECTLY ASSOCIATED W/EXIST. BUSINESSES LOCATED W/ THE PCD DEVELOPMENT SITE & CLASSROOM TRAINING SUCH AS REAL ESTATE), ALCOHOLIC BEVERAGE ESTABLISHMENTS, ADULT ENTERTAINMENT AND SEXUALLY ORIENTED BUSINESSES, MULTI-FAMILY HOUSING, PUBLIC & PRIVATE UTILITY PLANTS, STATIONS, AND DISTRIBUTION OFFICE, PUBLIC & PRIVATE SCHOOLS, COMMERCIAL MECHANICAL REPAIR GARAGES OR STORAGE OF VEHICLES FOR COMMERCIAL REPAIR, EXCEPT THAT STANDARD VEHICLE MAINTENANCE MAY BE PERFORMED ON VEHICLES ASSOCIATED WITH AN EXIST. BUSINESS WITHIN THE PCD DEVELOPMENT SITE, HELIPORTS, MANUFACTURING OF BOATS, CHEMICAL PRODUCTS & PROCESSING, DANGEROUS PRODUCTS, AND PERMITTED, CONDITIONAL USES WITHIN THE C-2 (RETAIL COMMERCIAL DISTRICT) AND CONTRACTOR'S EQUIPMENT STORAGE YARDS.

#### ENGINEER:

FRAGOMENI ENGINEERING, INC.  
4225 STONEWALL DRIVE  
ORLANDO, FLORIDA 32812  
(407) 815-7847

#### APPLICANT:

JANELA RUSSELL  
3504R SHADY OAKS LANE  
FRUITLAND PARK, FLORIDA 34731  
(407) 832-1558



#### SITE DATA

SETBACKS: SOUTH SIDE - 50', EAST SIDE - 10', WEST SIDE - 100', NORTH SIDE - 30'

LA BUFFERS: FRONT - 25', EAST SIDE - 5', WEST SIDE - 16', REAR - 25'

PERMITTED AND CONDITIONAL USES: APPROVED USES AND CONDITIONAL USES WITHIN THE M-1A (VERY LIGHT INDUSTRIAL) AND C-3 (GENERAL COMMERCIAL AND WHOLESALE) ZONING CLASSIFICATIONS

BUILDING HEIGHT: 25' (1 STORY)

25 X OPEN SPACE: INCLUDES COMBINATION OF GREEN SPACE AND LA BUFFERS AND 50% OF NET RETENTION POND. MAX. FAR 0.65

EXISTING ZONING: A-1 (AGRICULTURAL)

EXISTING LAND USE: VACANT

PROPOSED ZONING: PCD (PLANNED COMMERCIAL DEVELOPMENT)

PROPOSED LAND USE: INDUSTRIAL, WAREHOUSE/OFFICE

SOILS TYPE: 13 - FAUCALLIE & INWOKALEE  
PER SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA

PROPOSED AREAS (ACREAGE):

ROADS: 0 ACRES

WETLANDS: 0 ACRES

OPEN SPACE: 2,410 ACRES MINIMUM (25%)

ACCEPTABLE USES PER PCD ZONING: 7,230 ACRES

TOTAL ACREAGE: 9.64 ACRES

PROP. AREAS (ACREAGE):

BUILDINGS: 3,122 ACRES = 32.39%

PAVEMENT: 3,634 ACRES = 40.81%

SIDEWALKS: 0.151 ACRES = 1.56%

LANDSCAPING & GREEN SPACE: 2,434 ACRES = 25.24%

TOTAL ACREAGE: 9.64 ACRES = 100%

PARKING SPACES REQUIRED:

OFFICE: 1 SPACE/200 SF OFFICE + 27200 SF = 136 SPACES

WAREHOUSE: 1 SPACE/1000 SF WAREHOUSE + 108000 SF = 108 SPACES

1 SPACE/2 WAREHOUSE EMPLOYEES + 87 EMPLOYEES = 34 SPACES

TOTAL REQUIRED = 279 SPACES

PARKING SPACES PROVIDED:

8 HANDICAPPED SPACES (1218)

308 SPACES (INCLUDES BAY PARKING)

314 SPACES TOTAL

FEMA FLOOD ZONE: ZONE 'X' OUTSIDE THE 500 YEAR FLOOD ZONE

PER FEMA FLOOD MAP NO. 12117C003D E DATED APRIL 17, 1995

POTABLE WATER: SEMINOLE COUNTY WATER AVAILABLE (EXIST. 12" WM

IN FRONT OF PROPERTY ON SOUTH SIDE OF ORANGE BLVD.)

THE COUNTY CURRENTLY DOES NOT SERVICE THE EXIST. SITE.

SEWER: SEMINOLE COUNTY SEWER AVAILABLE (EXIST. 8" SS

APPROX. 750 FEET EAST FROM THE SOUTHWEST PROPERTY CORNER.)

THE COUNTY CURRENTLY DOES NOT SERVICE THE EXIST. SITE.

STORMWATER: SITE DISCHARGES TO NORTH TO SAINT JOHNS RIVER.

A STORMWATER MANAGEMENT SYSTEM WILL BE PROVIDED

PER SEMINOLE COUNTY AND SURFWD REGULATIONS.

FIRE PROTECTION: THE PROPOSED BUILDING WILL CONFORM WITH SEMINOLE COUNTY FIRE PROTECTION CODES.

LANDSCAPE: LANDSCAPE BUFFERS AND LANDSCAPING ON SITE SHALL CONFORM TO SEMINOLE COUNTY LAND DEVELOPMENT CODES.

NO WETLANDS ARE LOCATED ON THE SITE.

PROPERTY LINES SHOWN ON PLAN WERE PROVIDED BY DIMENSIONS FROM OWNER.

FRAGOMENI ENGINEERING, INC. IS NOT RESPONSIBLE FOR THE ACCURACY

OF THE PROPERTY LINES SHOWN.

LIGHTING NOTE: ALL PARKING LOT LIGHTING WILL COMPLY WITH SEMINOLE DEVELOPMENT CODE, SECTION 30-1233(B)

#### DESCRIPTION

BEGIN AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 3, SANFORD FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 127, 128 AND 129 W/O. OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N00°02'46"W, ALONG THE WEST LINE OF LOTS 4 AND 5 OF SAID BLOCK 4 AND THE EAST RIGHT OF WAY LINE OF MISSOURI AVENUE A DISTANCE OF 874.34 FEET; THENCE N00°02'46"W, A DISTANCE OF 857.56 FEET TO THE EAST LINE OF LOT 6 OF SAID BLOCK 3; THENCE S00°00'54"E, ALONG THE EAST LINE OF LOTS 3 AND 6 OF SAID BLOCK 3 A DISTANCE OF 454.75 FEET; THENCE S09°50'06"W, A DISTANCE OF 105.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 277.86 FEET TO THE SOUTH LINE OF LOT 3 OF SAID BLOCK 3 AND THE NORTH RIGHT OF WAY LINE OF ORANGE RIVER; THENCE S76°35'14"W, ALONG THE SOUTH LINE OF LOTS 3 AND 4 OF SAID BLOCK 3 AND SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 451.59 FEET TO THE POINT OF BEGINNING

PARCEL CONTAINS 419817 SQUARE FEET OR 9.64 ACRES, MORE OR LESS.

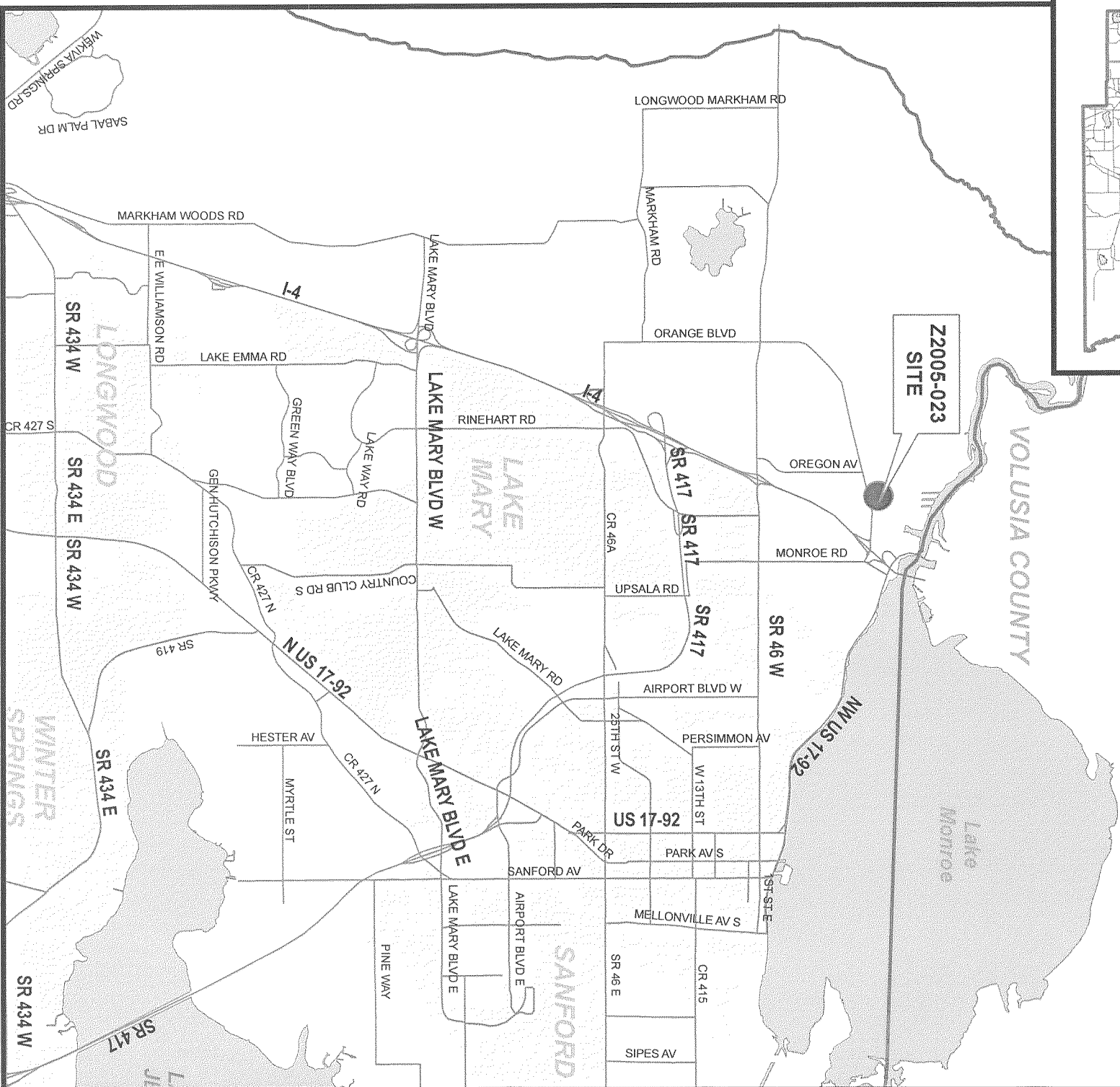
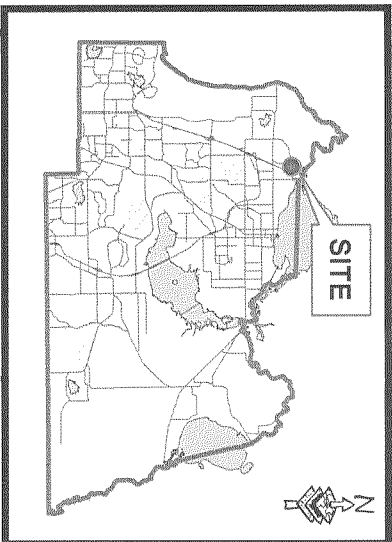
Fragomeni Engineering, Inc.  
4225 Stonewall Drive  
Orlando, Florida 32812  
Voice: (407) 815-7847 Fax: (407) 815-8067  
REG. NO. 8117

FOSSITT BUSINESS  
PARK

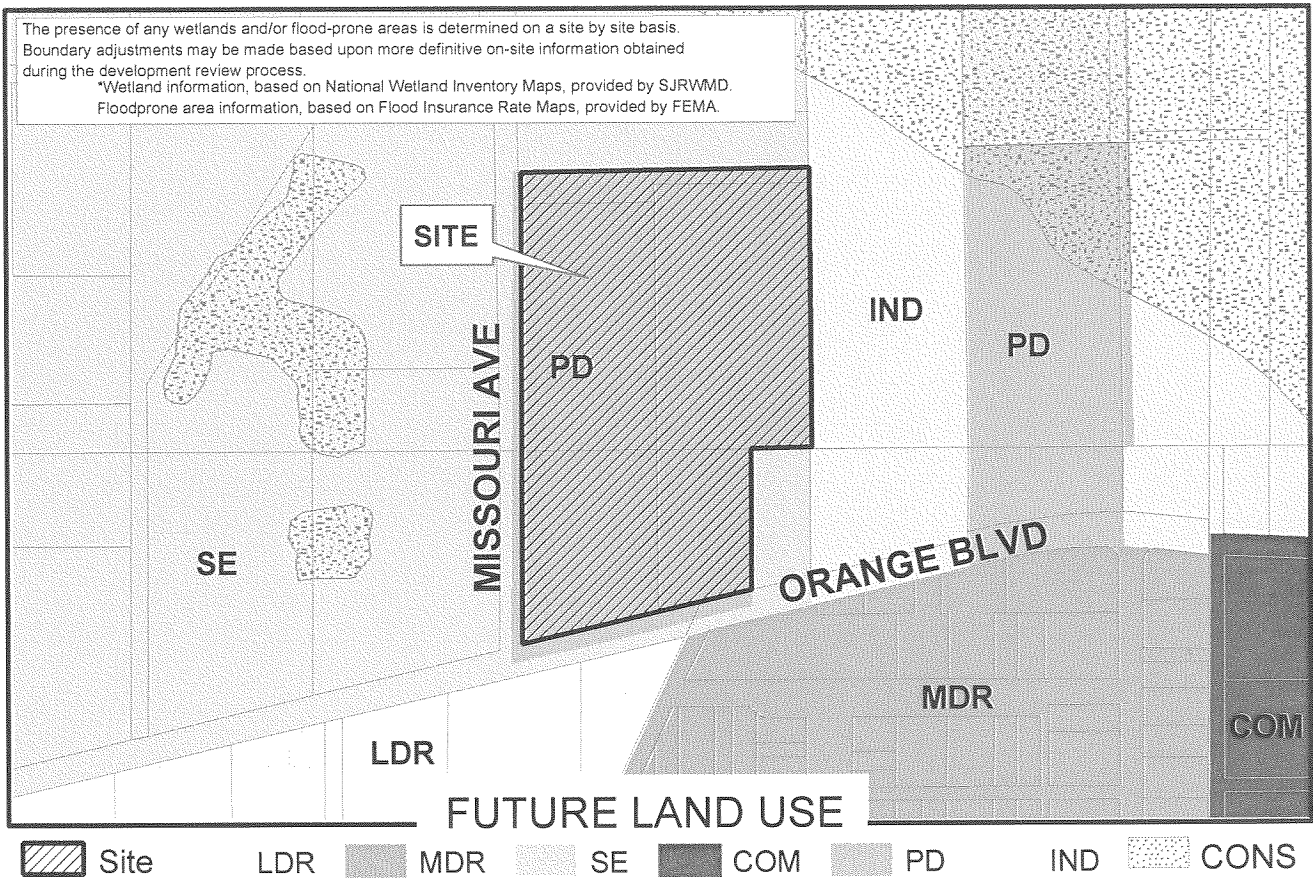
DEVELOPMENT PLAN

JOB NO.	F1004	1	7/23/04	REVISED PER P&Z MEETING	SLF
DATE:	11/1/03	2	12/02/04	REVISED PER OWNER'S REQUESTS	SLF
DESIGNED BY:	SLF	3	12/06/04	REVISED PER OWNER'S REQUESTS	SLF
DRAWN BY:	SLF	4	12/14/04	REVISED PER SEMINOLE CO.	SLF
CHECKED BY:	SLF	5	12/15/04	REVISED PER OWNER	SLF
APPROVED BY:	SLF	NO.	DATE	REVISION	APPR

FILE: F1004SITE  
SCALE: 1" = 50'  
SHEET NO.  
C-1



The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.

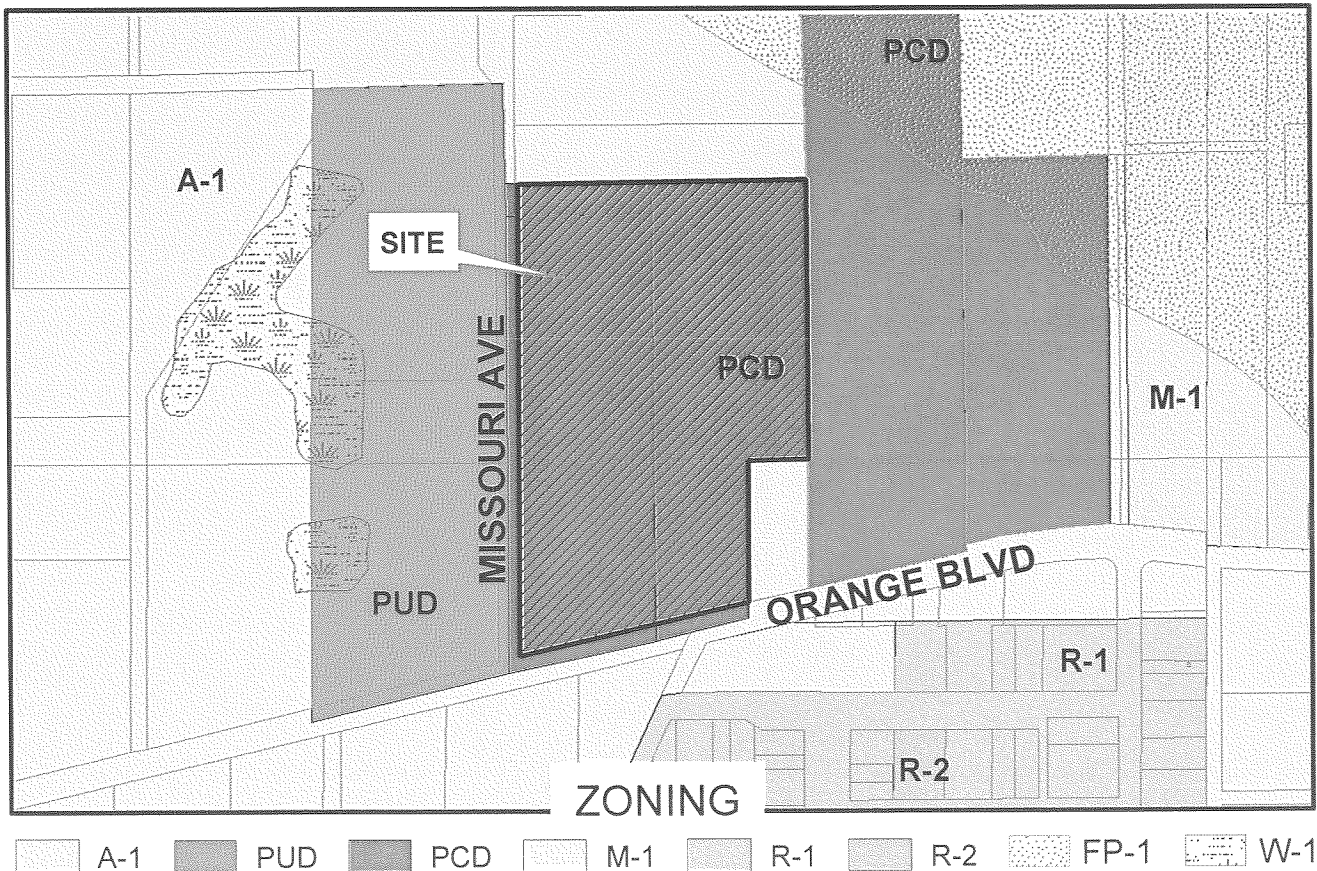


Applicant: Jamie Russell  
 Physical STR: parts of 16-19-30  
 Gross Acres: 9.64 BCC District: 5  
 Existing Use: Vacant

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-023	--	--



Special Notes: PCD Final Site Plan. 1.7 acre retention pond, zoned A-1, not shown on map.







Rezone No: Z2005-023

From: -- To: --

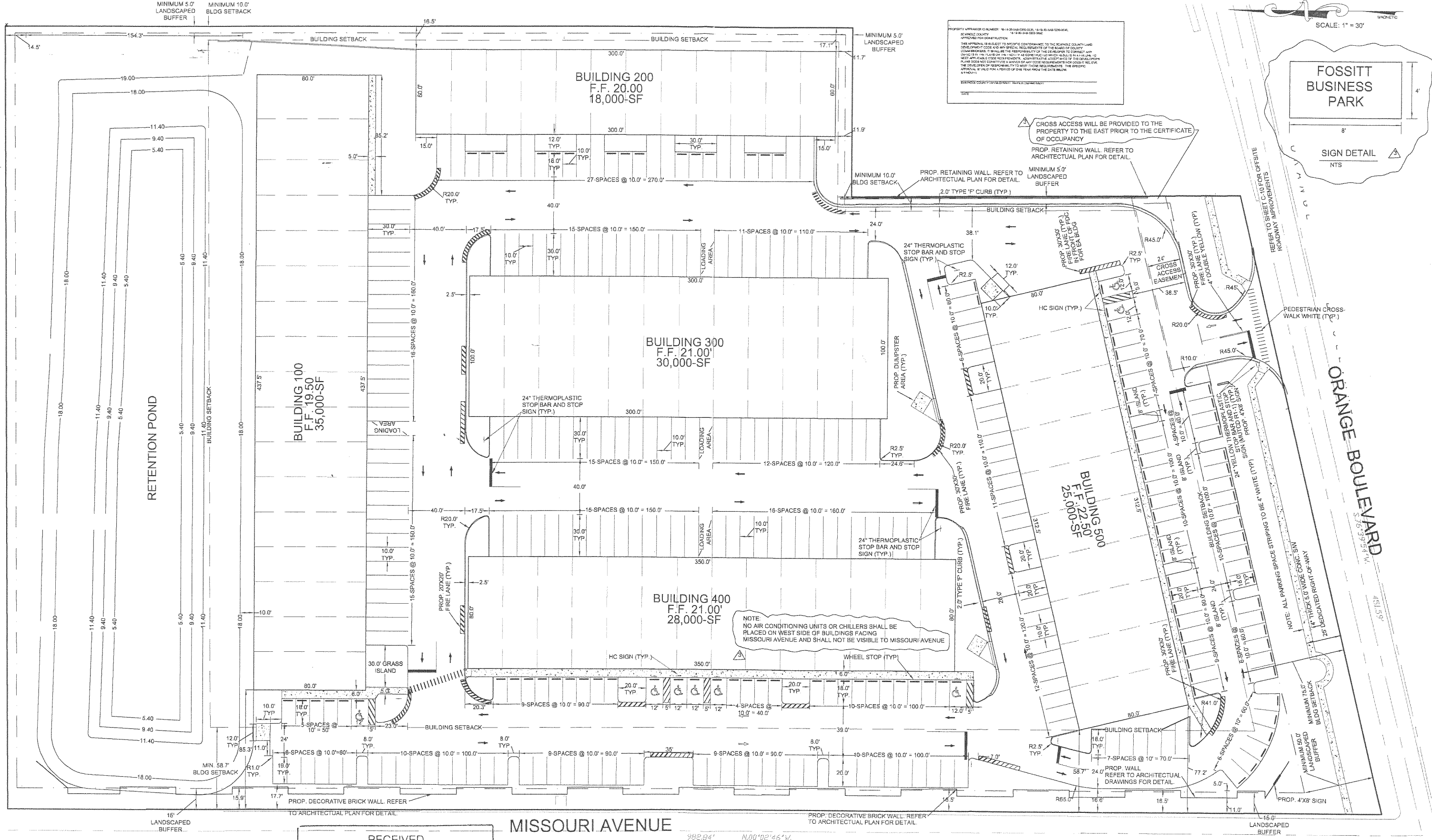
 Parcel

 Subject Property



January 2004 Color Aerials

**EXHIBIT "B"**  
**PCD Final Site Plan for Fossitt Business Park**



REG. NO. 8117  
**Fragomeni Engineering, Inc.**  
4985 Hoffner Avenue  
Orlando, Florida 32812  
Voice: (407) 240-0444 Fax: (407) 240-0590

RECEIVED  
NOV - 2 2005  
**FOSSITT BUSINESS PARK**  
SEMINOLE COUNTY PLANNING DIVISION FLORIDA

# FINAL SITE PLAN (GEOMETRY & STRIPING PLAN)

JOB NO.	F1004	5	11/2/05	REVISED PER SEMINOLE CO. COMMENTS.	SLF
DATE:	DEC-2004	4	10/31/05	REVISED PER SEMINOLE CO. COMMENTS.	SLF
DESIGNED BY:	TKD	3	10/19/05	REVISED PER SEMINOLE CO. COMMENTS.	SLF
DRAWN BY:	TKD	2	9/30/05	REVISED PER SEMINOLE CO. COMMENTS.	SLF
CHECKED BY:	SLF	1	8-09-05	REVISED PER NEW POND	SLF
APPROVED BY:	SLF	NO	DATE	REVISION	ADDD

FILE: F1004\_C3\_GEO  
SCALE: 1" = 30'  
SHEET NO.  
**C-3**  
SHERRI FRAGOMENI  
P.E. NO. 58174

## SITE DATA

SETBACKS: SOUTH SIDE - 50', EAST SIDE - 10', WEST SIDE - 100', NORTH SIDE - 30'

LA BUFFERS: FRONT - 25', EAST SIDE - 5', WEST SIDE - 16', REAR - 25'

PERMITTED AND CONDITIONAL USES: APPROVED USES AND CONDITIONAL USES WITHIN THE M-1A (VERY LIGHT INDUSTRIAL) AND C-3 (GENERAL COMMERCIAL AND WHOLESALE) ZONING CLASSIFICATIONS

BUILDING HEIGHT: 25' (1 STORY)

25 % OPEN SPACE: INCLUDES COMBINATION OF GREEN SPACE AND LA BUFFERS AND 50% OF WET RETENTION POND.  
MAX. FAR 0.65

EXISTING ZONING: PCD 

EXISTING LAND USE: VACANT

PROPOSED ZONING: PCD (PLANNED COMMERCIAL DEVELOPMENT)

PROPOSED LAND USE: INDUSTRIAL WAREHOUSE/OFFICE

SOILS TYPE: 13 - EAUGALLIE & IMMOKALEE

PER SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA,

PROPOSED AREAS (ACREAGE):

ROADS: 0 ACRES

WETLANDS: 0 ACRES

OPEN SPACE: 2.505 ACRES MINIMUM (25%)

ACCEPTABLE USES PER PD ZONING: 7.514 ACRES

TOTAL ACREAGE: 10.019 ACRES

PROP. AREAS (ACREAGE):

BUILDINGS: 136,000 S.F. = 3.122 ACRES = 31.16%

PAVEMENT: 170,407 S.F. = 3.912 ACRES = 39.05%

SIDEWALKS: 6,186 S.F. = 0.142 ACRES = 1.42%

LANDSCAPING & GREEN SPACE: 123,834 S.F. = 2.843 ACRES = 28.37% (INCLUDES RETENTION POND)

TOTAL ACREAGE: 436,427 = 10.019 ACRES = 100% (INCLUDES OFFSITE RETENTION POND)

PARKING SPACES REQUIRED

OFFICE: 1 SPACE/200 SF OFFICE \* 27200 SF = 136 SPACES

WAREHOUSE: 1 SPACE/1000 SF WAREHOUSE \* 108800 SF = 109 SPACES


1 SPACE/2 WAREHOUSE EMPLOYEES \* 67 EMPLOYEES = 34 SPACES

TOTAL REQUIRED = 279 SPACES

PARKING SPACES PROVIDED

8 HANDICAPPED SPACES (12'X18')

302 SPACES (INCLUDES BAY PARKING)

310 SPACES TOTAL 

FEMA FLOOD ZONE: ZONE 'X' OUTSIDE THE 500 YEAR FLOOD ZONE  
PER FEMA FLOOD MAP NO. 12117C0030 E DATED APRIL 17, 1995

POTABLE WATER: SEMINOLE COUNTY WATER AVAILABLE (EXIST. 12" WM  
IN FRONT OF PROPERTY ON SOUTH SIDE OF ORANGE BLVD)  
THE COUNTY CURRENTLY DOES NOT SERVICE THE EXIST. SITE.

SEWER: SEMINOLE COUNTY SEWER AVAILABLE (EXIST. 8" SS  
APPROX. 750 FEET EAST FROM THE SOUTHEAST PROPERTY CORNER.)  
THE COUNTY CURRENTLY DOES NOT SERVICE THE EXIST. SITE.

STORMWATER: SITE DISCHARGES TO NORTH TO SAINT JOHNS RIVER.  
A STORMWATER MANAGEMENT SYSTEM WILL BE PROVIDED  
PER SEMINOLE COUNTY AND SJRWMD REGULATIONS.

FIRE PROTECTION: THE PROPOSED BUILDING WILL CONFORM WITH SEMINOLE  
COUNTY FIRE PROTECTION CODES.

LANDSCAPE: LANDSCAPE BUFFERS AND LANDSCAPING ON SITE SHALL CONFORM  
TO SEMINOLE COUNTY LAND DEVELOPMENT CODES.

NO WETLANDS ARE LOCATED ON THE SITE.

PROPERTY LINES SHOWN ON PLAN WERE PROVIDED BY DIMENSIONS FROM OWNER.  
FRAGOMENI ENGINEERING, INC. IS NOT RESPONSIBLE FOR THE ACCURACY  
OF THE PROPERTY LINES SHOWN.

LIGHTING NOTE: ALL PARKING LOT LIGHTING WILL COMPLY WITH SEMINOLE  
DEVELOPMENT CODE, SECTION 30-1233(B)  
NON-INDUSTRIAL OUTDOOR LIGHTING - MAX. 16 FOOT  
CUT-OFF FIXTURES

THERE WILL BE NO LIGHTING POLES IN PARKING LOT 